

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 10/603,938
Atty. Docket No. Q71242

REMARKS

Claims 1-6, 8, 9 and 11-24 are all the claims pending in the application. Claims 23 and 24 have been newly added herewith.

Submitted herewith is an Excess Claim Fee Payment Letter with fee.

Claim Objections

Claims 8, 9 and 12 stand objected to as being on improper dependent form. Applicants have amended the claims in a manner believed to overcome the objection.

Claim Rejections - 35 U.S.C. § 102

Claims 14-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rehberger (U.S. Patent No. 2,069,048). Applicants respectfully traverse this rejection.

Claim 14 sets forth a recovery dish which is one-piece integrally constructed with a dispensing piece, the dispensing piece including a dispensing orifice. Rehberger fails to disclose such a feature. The Examiner alleges that opening 25 constitutes a dispensing orifice and that bowl 16 constitutes a recovery dish. However, the bowl 16 is screwed onto the opening 25; it is not one-piece integrally constructed with the opening 25. Accordingly, Rehberger is deficient at least because it lacks a recovery dish which is integral with a dispensing piece as claimed.

Claims 15 and 16 depend from claim 14 and are therefore allowable at least because of their dependency.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 14-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rado (U.S. Patent No. 3,011,293) in view of Rehberger. Applicants respectfully traverse this rejection because one of ordinary skill in the art would not have

modified Rado with Rehberger as suggested by the Examiner and because any combination would be deficient with respect to the claimed invention.

Initially, one of ordinary skill in the art would not have modified Rado with Rehberger as suggested by the Examiner and the Examiner's combination is based upon improper hindsight reasoning. The Rehberger lather bowl is designed for the narrow purpose of use as a lather bowl to hold shaving cream, or other various ingredients, and to serve as a stand when not in use (*see* page 1, first column, lines 3-9). One of ordinary skill in the art would not have been motivated to modify any container with the Rehberger bowl and specifically would not have been motivated to modify Rado to include the bowl. For example, as shown in Rado Figs. 2 and 2a, screw caps 3, 3c are disposed at an angle. Thus, if the Rehberger bowl replaced the Rado caps, whatever was being dispensed from the container would easily spill out of the bowl. Furthermore, the Rehberger bowl is also designed to serve as a stand. Because of the construction of Rado, the bowl could not serve as a stand. Particularly, because the bowl would be placed at an angle at a side end of the container, the Rehberger bowl would not support the Rado container. Accordingly, one of the primary purposes of the Rehberger bowl would not be accomplished in such a combination. In view of the above, one of ordinary skill in the art would not have modified Rado with Rehberger as suggested by the Examiner and the claimed invention is allowable over this combination of references.

Furthermore, even if it were appropriate to combine Rado and Rehberger, any combination of these references would be deficient. Claim 1 sets forth a recovery dish which is one-piece integrally constructed with a dispensing piece. The dispensing piece defines a

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dispensing orifice able to be closed by a removable closure member, is fixed to at least one sheet and forms a concave recovery dish allowing a user to recover a fluid dispensed by the orifice.

The combined teachings and suggestions of Rado and Rehberger are deficient at least because any combination would fail to have a recovery dish which is one-piece integrally constructed with a dispensing piece as claimed. Rado teaches a collapsible container for liquid or pastes. In Rado, a nozzle is fixed to a side wall 1 of the container and is closed by a screw cap 3. As discussed above, Rehberger teaches a bowl 16 which is adapted to be secured to a threaded nipple on the end of a tube of shaving cream. Accordingly, even if it were appropriate to combine Rado and Rehberger, the combination would result in a bowl which is screwed onto a nozzle. The combination would not result in a recovery dish which is one-piece integrally constructed with a dispensing piece. Accordingly, claim 1 and its dependent claims are allowable over the combined teachings and suggestions of Rado and Rehberger.

Claim 14 also recites a recovery dish which is one-piece integrally constructed with a dispensing piece. Therefore, claim 14 is allowable over the combined teachings and suggestions of Rado and Rehberger at least for some reasons similar to those given above with respect to claim 1. Claims 15-18 depend from claim 14 and are allowable at least because of their dependency.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 2-6, 11, 13 and 19-22 contain allowable subject matter, and would be allowable if rewritten in the independent form.

Applicants have rewritten claim 19 in independent form so that claim 19, and claims 20-22,

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which depend from claim 19, are now allowable. Applicants have not placed claims 2-6, 11 and 13 in independent form at this time, but because the rejections of the corresponding base claims are believed to be overcome, the objections to these claims are also believed to be overcome.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 23 and 24. Claims 23 and 24 depend from claim 17 and are therefore allowable at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: January 4, 2006